

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TRACY POLVINO,

Plaintiff,

v.

WAL-MART STORES, INC.,

ORDER
03-CV-950S

Defendant.

1. On May 5, 2006, Plaintiff filed a Motion to Produce Discovery. On May 17, 2006, this Court referred Plaintiff's motion to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, for decision.

2. On July 25, 2006, Judge Schroeder denied Plaintiff's Motion to Produce Discovery. On August 3, 2006, Plaintiff filed an appeal of Judge Schroeder's Order denying her Motion to Produce.

3. Pursuant to 28 U.S.C. § 636(b)(1)(A), a magistrate judge may, with certain exceptions, hear and determine any pretrial matter pending before the court. The magistrate judge's order on such a pretrial matter will be reconsidered by the district judge only when it has been established that it is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A).

4. This Court has reviewed Plaintiff's appeal and finds no reason to direct Defendant to respond. Clearly Plaintiff disagrees with Judge Schroeder's ruling, but this alone does not serve as cause to disturb Judge Schroeder's decision. Nothing in Plaintiff's appeal establishes that Judge Schroeder's decision is clearly erroneous or contrary to law. Accordingly, this Court will deny Plaintiff's appeal.

IT HEREBY IS ORDERED, that Plaintiff's appeal of Judge Schroeder's July 25, 2006 order (Docket No. 60) is DENIED.

FURTHER, that Judge Schroeder's July 25, 2006 order (Docket No. 58) is AFFIRMED in its entirety.

FURTHER, that Defendant's Motion for Summary Judgment (Docket No. 28) is under advisement.

SO ORDERED.

Dated: August 15, 2006
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge